

Reply to Office Action dated September 20, 2006

REMARKS

Claims 1-4, 8-11, 15-19, 22-24, 29-31 and 34 are pending in this application. By this Amendment, claims 1, 8, 10, 15, 17, 22, 24 and 29 are amended and claims 7, 14, 21, 27-28, 32-33 and 35 are canceled without prejudice or disclaimer. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal should an appeal be necessary. More specifically, the above amendments incorporate features of dependent claims 7 and 28 into independent claim 1, incorporate features of dependent claim 14 into independent claim 10, incorporate features of dependent claims 21, 32 and 35 into independent claim 17 and incorporate features of dependent claims 26 and 27 into independent claim 22. Other amendments are merely for clarity. Entry is therefore proper under 37 C.F.R. §1.116.

The Office Action objects to claim 24 because of informalities. It is respectfully submitted that the above amendment to claim 24 obviates the grounds for objection. Withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1-4, 7, 9-11, 14, 16-19, 21-24, 26-29, 32-33 and 35 under 35 U.S.C. §102(e) by U.S. Patent 6,498,785 to Derryberry et al. (hereafter Derryberry). The Office Action also rejects claims 30, 31 and 34 under 35 U.S.C. §103(a) over Derryberry in view of Applicants Admitted Prior Art (hereafter AAPA). Still further, the Office Action rejects

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claims 8 and 15 under 35 U.S.C. §103(a) over Derryberry in view of U.S. Patent 6,628,956 to Bark et al. (hereafter Bark). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites transmitting a preliminary signal with a first transmission power from the first station to a second station, and transmitting a first packet data from the first station to the second station with the first transmission power. Independent claim 1 also recites increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station, wherein the increased second transmission power is calculated based on the first transmission power used by the first station in the first packet data transmission to the second station, a controlled amount of transmission power by the second station, a changed amount of power received at the first station, and a channel compensating value received from the second station. Still further, independent claim 1 recites transmitting a second packet data from the first station to the second station with the increased second transmission power.

The applied references do not teach or suggest all the features of independent claim 1. More specifically, the Office Action (on page 4) appears to assert that Derryberry's col. 9, line 56–col. 10, line 58 corresponds to the claimed calculation of the increased second transmission power. However, the cited section clearly does not relate to a changed amount of power received at a first station and a channel compensating value received from the second station. Derryberry has no discussion regarding a changed amount of power received at the first station.

Additionally, Derryberry has no suggestion regarding a channel compensating value received from the second station. The Office Action appears to cite step 408 (FIG. 4) as corresponding to the claimed channel compensating value. However, step 408 corresponds to a power control command, which is not a channel compensating value as would be understood to one skilled in the art from reading the present specification. Accordingly, Derryberry does not teach or suggest features relating to calculation of the increased second transmission power as recited in independent claim 1.

The Office Action also appears to assert that Derryberry's initial access probe has a first transmission power and that step 410 (of FIG. 4) begins data transmission at the first transmission power. However, there is no suggestion in Derryberry for these features. Derryberry explicitly discloses transmitting access probe transmissions at a relatively low power level. See col. 1, lines 57-63. Derryberry has no suggestion that step 410 (FIG. 4) occurs at the same relatively low power level. The Office Action appears to rely on a lack of power control adjustment as corresponding to the claimed features. Applicant respectfully disagrees as there is no suggestion of access probe transmissions and data transmissions occurring at a same relatively low power level. Accordingly, Derryberry does not teach or suggest at least these features of independent claim 1.

Additionally, the Office Action asserts that Derryberry discloses increasing the transmission power if the first packet data transmission is not successfully received by the second station. The Office Action cites Derryberry's col. 11, lines 6-47 and step 420 (in FIG. 4) for these features. However, the cited sections do not relate to "increasing the transmission

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power...if the first packet data transmission is not successfully received by the second station.” Rather, col. 11, lines 6-47 relates to step 410. However, step 410 does not occur "if the first packet data transmission is not successfully received by the second station." Additionally, step 420 relates to the MS adjusting the output power. However, step 420 occurs in response to data transmission (of step 410). Accordingly, Derryberry does not teach or suggest increasing the transmission power if the first packet data transmission is not successfully received by the second station.

For at least the reasons set forth above, Derryberry does not teach or suggest all the features of independent claim 1. The other applied references do not teach or suggest the missing features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 10 recites increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station, wherein the second transmission power is calculated based on the first transmission power used by the first station, a controlled amount of transmission power by the second station, a changed amount of power received by the first station, and a channel compensating value received from the second station. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 10. Thus, independent claim 10 defines patentable subject matter.

Independent claim 17 recites a mobile terminal configured to transmit packet data to a base station at a first transmission power and to increase the transmission power to a second

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transmission power when the packet data is not successfully received by another entity.

Independent claim 17 further recites that the second transmission power is calculated by summing a previous transmission power of the mobile terminal, a controlled amount of transmission power by the base station, a changed amount of power received at the mobile terminal, and a channel compensating value received from the base station. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 17. Further, the applied references do not teach or suggest the claimed summing. Bark's col. 8, lines 28-67 and FIG. 7 do not suggest the specifically claimed features of the summing. Thus, independent claim 17 defines patentable subject matter.

Independent claim 22 recites means for increasing the transmission power of the packet data transmission to an increased transmission power if the first packet data transmission is not successfully received by a second station, wherein the means for increasing calculates the increased transmission power based on a transmission power used by the mobile communication terminal in a previous transmission to the second station, a controlled amount of transmission power by the second station, a changed amount of power received at the mobile communication terminal, and a channel compensating value received from the second station. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features. For example, Derryberry and the other applied references do not teach or suggest the claimed means for increasing. Thus, independent claim 22 defines patentable subject matter.

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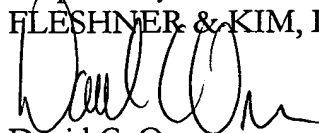
For at least the reasons set forth below, each of independent claims 1, 10, 17 and 22 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-4, 8-11, 15-19, 22-24, 29-31 and 34 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: December 12, 2006

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